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28 FEB 1975

MEMORANDUM FOR: Legislative Counsel

VIA : Deputy Director for Administration

SUBJECT : H. R. 564

1. The stated purpose of the attached Bill introduced in the House of Representatives by Congressman Koch on 14 January 1975 is to "protect the constitutional rights of the citizens of the United States and prevent unwarranted invasion of their privacy by prohibiting the use of polygraph" on any employee of the United States or any applicant for employment with the United States Government.
2. The current Bill is a word for word resubmission of a bill sponsored by Congressman Koch in 1971.
3. As we interpret this Bill, there are no provisions for an exception. If it were to become law, the polygraph program of this Agency would be at an end in all instances where United States citizens are involved.
4. We, of course, find strong reason to support continuing the polygraph program. During the period January 1963 to August 1974, 1773 staff applicants, and staff-type applicants were rejected or dismissed on security grounds. Of these, 60% were rejected on information solely or principally developed during polygraph interviews. Sampling only the current records, 52% of those disapproved on the basis of polygraph reports had been security approved up until the time of the polygraph interviews. Without the polygraph, the disqualifying information on these cases would have been unknown to the Agency.
5. This is not the first time that we have written in defense of polygraph or that Agency spokesmen have presented the polygraph case to congressional representatives.

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As recently as June 1974, during hearings before the Subcommittee on Foreign Operations and Government Information, Mr. Harold Brownman spoke of the precautions taken by the Agency to protect the individual rights of U. S. citizens during polygraph. Those precautions still apply and are rigidly enforced. Mr. Brownman also discussed the Agency's research program which has spanned a period of ten years and resulted in the polygraph being described as a reliable and effective part of the Agency's personnel security screening. (H. R. 564 has been referred to the Committee on the Judiciary rather than the Subcommittee on Foreign Operations and Government.)

6. We appreciate and share Mr. Koch's concern for constitutional rights and individual privacy, but we are also mindful of the important contribution polygraph has made to the Agency's security program and to national security. It is because of this contribution and because it is believed that the polygraph can continue to be used without unwarranted invasion of privacy that this Office strongly recommends Agency opposition to H. R. 564.


Charles W. Kane
Director of Security

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